

| Estimate of Reasonable BNYM Defense Costs |                         |                                |  |  |                                 |   |   |
|---|-------------------------|--------------------------------|--|--|---------------------------------|---|---|
|   |                         | Lower reasonable estimate (\$) | Lower reasonable estimate (# of hours) | Explanation  | Higher reasonable estimate (\$) | Higher reasonable estimate (# of hours) | Explanation   |
| <b>Attorney Fees</b>                      |                         |                                |  |  |                                 |   |   |
| Case Assessment                           |                         |                                |  |  |                                 |   |   |
|   | Fact Investigation      | \$ 600,000                     | 750                                    | 3 associates and 2 partners working 150 hours per month for one month  | \$ 1,200,000                    | 1500                                    | One additional month compared to low estimate   |
|   | Analysis/Strategy       | \$ 288,000                     | 360                                    | 3 partners working 1 (40 hour) week and 3 associates working 2 weeks   | \$ 480,000                      | 600                                     | 3 partners working 2 weeks each and 3 associates working 3 weeks each   |
|   | Experts                 | \$ 160,000                     | 200                                    | 1 associate working 1 week and 1 partner working 10 hours, for a total of 50 hours per expert, multiplied by 4 experts   | \$ 320,000                      | 400                                     | 2 associates working for 1 week and 2 partners working 10 hours, for a total of 100 hours per expert multiplied by 4 experts  |
|   | Other                   | \$ 64,000                      | 80                                     | 2 weeks of lawyer time   | \$ 128,000                      | 160                                     | 4 weeks of lawyer time  |
|   |                         | \$ 1,112,000                   | 1390                                   |  | \$ 2,128,000                    | 2660                                    |   |
| Pleadings & Motions                       |                         |                                |  |  |                                 |   |   |
|   | MTD                     | \$ 1,463,200                   | 1829                                   | Briefing: 450 associate hours, 120 partner hours, 285 total hours for reply (half of the opening)<br>Oral argument: 40 associate hours prepping, 40 arguing partner prepping, 40 other partner mootng<br>Appeal: 854 hours total (10% less than the underlying motion and argument)  | \$ 1,816,000                    | 2270                                    | Briefing: 550 associate hours, 150 partner hours, 350 total hours for reply (half of opening)<br>Oral arg: 40 associate hours, 40 partner, 40 other partner mootng<br>Appeal: 1050 (10% less than the underlying motion and argument)   |
|   | Answer                  | \$ 232,000                     | 290                                    | Initial drafting: 2 weeks of associate time to draft, 1 additional associate week to review, 2 partners 20 hours each<br>Counterclaims: two weeks associate time, 20 hours of senior associate review, 30 hours of partner review  | \$ 328,000                      | 410                                     | Initial drafting: 3 weeks of associate time, 1.5 additional associate weeks to review, 1 partner week to review, additional partner 20 hours review<br>Counterclaims: 2.5 weeks of associate time, 1 week senior associate review, 30 hours of partner review   |
|   | MTS/MTD                 | \$ 184,000                     | 230                                    | 60 hours of associate time to draft, 40 associate hours to review, 40 hours of partner to review<br>Oral argument: 30 partner hours to prepare, 40 associate hours to prepare, 20 hours (10 each for 2 attorneys) to attend the oral argument  | \$ 240,000                      | 300                                     | 80 associate hours to draft, 60 senior associate hours to review, 40 partner hours to review<br>Oral argument: 40 partner hours to prep, 60 associate hours to prep, 20 hours to attend (2 attorneys)   |
|   | Conferences             | \$ 86,400                      | 108                                    | 3 conferences per year for 3 years of litigation. 2 attorney will attend each conference, 4 hours per attorney to attend. 1 partner hour to prepare and 3 associate hours to prepare   | \$ 136,800                      | 171                                     | 6 hours per attorney to attend, 2 hours of partner prep time, 5 hours of associate prep time  |
|   | Summary Judgment        | \$ 1,808,000                   | 2260                                   | Opening brief: 4 associates working 150 hours per month for 2 months, 2 partners spend 60 hours each reviewing and drafting, 40 senior partner review hours, 20 partner hours split among the rest of the team to review<br>Reply: 50% of opening brief<br>Oral Arg: 80 associate hours to prep, 40 arguing partner hours to prep, 40 hours of other partner(s) to prep/moot, 30 hours total for all lawyers to attend argument              | \$ 2,864,000                    | 3580                                    | Assume cross motions for summary judgment, creating one more round of briefing: 4 associates work for 1 month each, 40 partner hours, 20 other partner(s) hours, for a total of 660 additional hours  |
|   | Other                   | \$ 96,000                      | 120                                    | 1 week per year for 3 years of attorney time   | \$ 192,000                      | 240                                     | 2 weeks per year for 3 years of attorney time   |
|   |                         | \$ 3,869,600                   | 4837                                   |  | \$ 5,576,800                    | 6971                                    |   |
| Discovery                                 |                         |                                |  |  |                                 |   |   |
|   | Fact - Written          | \$ 257,600                     | 322                                    | Drafting: 1 associate for 1 week, another associate for 20 hours to review, partner 20 hours to review<br>Responding: 2 associates for 2 weeks each, 40 partner hours to review, 10 senior partner hours to review<br>Meet and confer: 1 hour session, 1 partner and 1 associate at each session, 8 sessions over 3 years, 1 hour of prep time per lawyer per session  | \$ 378,400                      | 473                                     | Drafting: 1 associate for 1.5 weeks, 30 additional associate hours, 20 partner hours<br>Responding: 2 associates for 3 weeks each, 60 partners hours to review, 15 senior partner hours to review<br>Meet and confer: 1.5 hour session, 1 partner and 1 associate at each session, 8 sessions over 3 years, 1.5 hours of prep time per lawyer per session |
|   | Fact - Doc Prod/Review  | \$ 2,775,000                   | *                                      | Defensive review, first level: 10 document review attorneys (billing at \$350/hour each) work 2 months each<br>Defensive review, second level: 5 document review attorneys work for 1 month<br>Defensive review, third level: 5 associates/partners (billing at \$850/hour each) work for 1 month<br><br>Offensive review, first level: 5 document review attorneys for 1 month<br>Offensive review, second level : 5 associates for 1 month | \$ 4,762,500                    | **                                      | 1 additional month of work for the 10 document review attorneys and an additional 2 months of work for 5 associates   |
|   | Fact - Depositions (40) | \$ 2,880,000                   | 3600                                   | Per deposition: 40 associate hours of prep, 30 partner hours of prep, 20 hours for the actual deposition (10 hours times 2 lawyers) times 40 depositions   | \$ 3,680,000                    | 4600                                    | Per deposition: 60 associate hours of prep, 35 partner hours of prep, 20 hours for actual deposition, times 40 depositions  |

